

1 DOUGLAS E. LUMISH (Bar No. 183863)
 2 dlumish@kasowitz.com
 3 JEFFREY G. HOMRIG (Bar No. 215890)
 4 jhomrig@kasowitz.com
 5 GABRIEL S. GROSS (Bar No. 254672)
 6 ggross@kasowitz.com
 7 JOSEPH H. LEE (Bar No. 248046)
 8 jlee@kasowitz.com
 9 L. OKEY ONYEJEKWE JR. (Bar No. 250354)
 10 oonyejekwe@kasowitz.com
 11 JOSEPH B. SHEAR (Bar No. 262222)
 12 jshear@kasowitz.com
 13 KASOWITZ, BENSON, TORRES &
 14 FRIEDMAN LLP
 15 333 Twin Dolphin Drive, Suite 200
 16 Redwood Shores, California 94065
 Tel: (650) 453-5170; Fax: (650) 453-5171
 17 MICHAEL EISENBERG (*pro hac vice*)
 18 meisenberg@kasowitz.com
 19 STEVEN D. CHIN (*pro hac vice*)
 schin@kasowitz.com
 20 STEFAN R. STOYANOV (*pro hac vice*)
 sstoyanov@kasowitz.com
 21 ROBERT P. WATKINS III (*pro hac vice*)
 rwtatkins@kasowitz.com
 22 KASOWITZ, BENSON, TORRES &
 23 FRIEDMAN LLP
 24 1633 Broadway
 25 New York, New York 10019
 Tel: (212) 506-1700; Fax: (212) 506-1800
 26 Attorneys for Plaintiffs/Counterclaim
 Defendants TransPerfect Global, Inc.,
 27 TransPerfect Translations International, Inc.,
 and Translations.com, Inc.

1 CHARLES K. VERHOEVEN (CA Bar No.
 2 170151)
 charlesverhoeven@quinnmanuel.com
 3 AMY H. CANDIDO (CA Bar No. 237829)
 amycandido@quinnmanuel.com
 4 QUINN EMANUEL URQUHART &
 5 SULLIVAN, LLP
 6 50 California Street, 22nd Floor
 San Francisco, CA 94111-4624
 T: 415.875.6600
 F: 415.875.6700

7 ROBERT W. STONE (CA Bar No. 163513)
 robertstone@quinnmanuel.com
 8 QUINN EMANUEL URQUHART &
 9 SULLIVAN, LLP
 555 Twin Dolphin Drive, 5th Floor
 Redwood Shores, CA 94065
 T: 650.801.5000
 F: 650.801.5100

10 MATTHEW D. ROBSON (*pro hac vice*)
 matthewrobson@quinnmanuel.com
 11 GREGORY C. WYCKOFF (*pro hac vice*)
 gregorywyckoff@quinnmanuel.com
 12 QUINN EMANUEL URQUHART &
 13 SULLIVAN, LLP
 14 51 Madison Avenue, 22nd Floor
 15 New York, NY 10010
 T: 212.849.7000

16 Attorneys for Defendant/Counterclaim-Plaintiff
 MotionPoint Corporation

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA, OAKLAND DIVISION

22 TRANSPERFECT GLOBAL, INC.,
 23 TRANSPERFECT TRANSLATIONS
 24 INTERNATIONAL, INC., AND
 25 TRANSLATIONS.COM, INC.,

26 Plaintiffs/Counterclaim-Defendants,

27 vs.

MOTIONPOINT CORPORATION,

Defendant/Counterclaim-Plaintiff.

CASE NO. CV 10-02590 CW (JCS)

STIPULATION AND ~~PROPOSED~~ ORDER MODIFYING PRETRIAL AND TRIAL SCHEDULE

1 Plaintiffs and Counter-Claim Defendants TransPerfect Global, Inc., TransPerfect
2 Translations International, Inc., and Translations.com, Inc. (together, "TransPerfect"), and
3 Defendant and Counter-Claim Plaintiff MotionPoint Corporation ("MotionPoint"), by and through
4 their counsel below, hereby jointly submit this stipulation and proposal to modify the pretrial and
5 trial schedule.

6 WHEREAS, the Court in its September 19, 2012 Case Management Order (a) set the final
7 pretrial conference for Wednesday, May 29, 2013, with corresponding deadlines in advance
8 thereof for the exchange and submission of pretrial disclosures and other pretrial materials;
9 (b) ordered the parties to participate in private mediation by Wednesday, April 10, 2013 (or as
10 soon thereafter as is convenient to the mediator's schedule); and (c) set the case for a 10-day jury
11 trial beginning June 10, 2012 (*see* Order, Dkt. 223);

12 WHEREAS, the Court has advised the parties "to go to private mediation after this [claim
13 construction and summary judgment] order comes out" (Hrg. Tr., Dkt. 267 at 53:17-18), which
14 order the Court has not yet issued;

15 WHEREAS, the Court has informed the parties that the trial start date may be moved from
16 June 10, 2013 to June 24, 2013 (*Id.* at 55:10-11 ("... I may not be able to try it on that date [June
17 10] we might be able to start on the 24th, which is a day you were planning on being in trial
18 anyway")); Dkt. 266);

19 WHEREAS, the parties have met and conferred regarding scheduling of mediation and
20 other pretrial deadlines in light of the anticipated move of the trial start date to June 24, 2013;

21 NOW, THEREFORE, in anticipation of the Court moving the trial start two weeks later to
22 June 24, 2013, the parties hereby STIPULATE AND AGREE (a) to moving the final pretrial
23 conference two weeks later to June 12, 2013, (b) to scheduling private mediation to occur within
24 30 days after the Court issues its claim construction and summary judgment order, and (c) to
25 beginning trial on June 24, 2013. Accordingly, the parties propose and respectfully request that
26 the Court enter an order adopting the following changes to the schedule in this action:

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STIPULATION AND [PROPOSED] ORDER
MODIFYING PRETRIAL AND TRIAL SCHEDULE

	Current Deadline	Proposed Deadline
1 2 3 4	ADR Cutoff	Wednesday, April 10, 2013 (or as soon thereafter as is convenient to the mediator's schedule)
5	Final Pretrial Conference	2:00 P.M. on Wednesday, May 29, 2013
6	Jury Trial to Begin	8:30 A.M. on June 10, 2013

7 The parties also respectfully request that trial in this matter be held on July 2 and July 3, as
 8 the Court suggested at the Markman hearing. (Mar. 14, 2013 Hearing Tr. at 55:25-56:2.)¹ The
 9 parties are working to streamline the issues in dispute for trial. Depending upon the result of those
 10 efforts and this Court's pre-trial rulings, a shorter trial than the allocated 10 days may be possible.
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27 ¹ The parties understand that July 1, 2013 is a furlough day.
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1 IT IS SO STIPULATED.
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4 KASOWITZ, BENSON, TORRES &
5 FRIEDMAN LLP

6 /s/ L. Okey Onyejekwe Jr.

7 Douglas E. Lumish
8 Jeffrey G. Homrig
9 Gabriel S. Gross
10 Joseph H. Lee
11 Lawrence Okey Onyejekwe Jr.
12 Joseph B. Shear
13 Michael Eisenberg (*pro hac vice*)
14 Steven D. Chin (*pro hac vice*)
15 Stefan R. Stoyanov (*pro hac vice*)
16 Robert P. Watkins, III (*pro hac vice*)
17 Attorneys for Plaintiffs/Counterclaim
18 Defendants TransPerfect Global, Inc.,
19 TransPerfect Translations International, Inc.,
20 and Translations.com, Inc.

QUINN EMANUEL URQUHART &
SULLIVAN LLP

6 /s/ Matthew Robson

7 Charles K. Verhoeven
8 Amy H. Candido
9 Robert W. Stone
10 Meghan E. Bordonaro
11 Matthew Robson (*pro hac vice*)
12 Gregory C. Wyckoff (*pro hac vice*)
13 Attorneys for Defendant/Counterclaim Plaintiff
14 MotionPoint Corporation

15 I hereby attest pursuant to Civil Local Rule 5-1(i) that concurrence in the electronic filing
16 of this document has been obtained from the other signatories.

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19 /s/ L. Okey Onyejekwe Jr.
20 L. Okey Onyejekwe Jr.
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2 **[PROPOSED] ORDER**
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4 Pursuant to the parties' stipulation, the final pretrial conference is continued from May 29,
5 2013 to June 5, 2013. The trial is continued from June 10, 2013 to June 24, 2013 and will include
6 trial days on both July 2 and July 3, 2013. The ADR cutoff of April 10, 2013 is hereby
7 VACATED. The parties are directed to meet with a private mediator within twenty-one days of
8 the Court's claim construction and summary judgment order.
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10 IT IS SO ORDERED.
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12 DATED: April 16, 2013
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15 Hon. Claudia Wilken
16 United States District Judge
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